

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RONALD SMOTHERS,

Plaintiff,

Case No. 1:06-cv-119

v.

Hon. Richard Alan Enslen

MICHIGAN DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 21, 2007, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (Dkt. No. 61) is **GRANTED** and Plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation.

Dated in Kalamazoo, MI:  
March 12, 2007

/s/Richard Alan Enslen  
Richard Alan Enslen  
Senior United States District Judge